UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,709	01/06/2006	Jurgen Schmidt	PD030076	1607

24498   7590   02/25/2011
Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton, NJ 08543-5312

EXAMINER
RAHMAN, MOHAMMAD N

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
02/25/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/563,709
Filing Date: January 06, 2006
Appellant(s): SCHMIDT, JURGEN

Jack Schwartz, Reg. No. 34,721
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/10/2010 appealing from the Office action

mailed 06/30/2010

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Jiro Katto *et al. "System Architecture for Synthetic/Natural Hybrid Coding and Some Experiments"*, IEEE TRANSACTIONS ON CIRCUITS AND SYSTEMS FOR VIDEO TECHNOLOGY, VOL. 9, NO. 2, MARCH 1999 (Pages 325 - 335).

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejection – 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   **Claims 1-12** are rejected under 35 U.S.C. 102 (b) as being anticipated by Jiro Katto, *et al. "System Architecture for Synthetic/Natural Hybrid Coding and Some Experiments"*, IEEE TRANSACTIONS ON CIRCUITS AND SYSTEMS FOR VIDEO TECHNOLOGY, VOL. 9, NO. 2, MARCH 1999 (Pages 325 - 335).

As per claim 1, Jiro teaches, Method for decoding a data stream, containing a

first and a second substream, the first substream containing first and second multimedia

data packets and the second substream (see page 326, col. 2 and paragraph 3)

containing control information, wherein the multimedia data packets contain an

indication of the time when to be presented and are decoded prior to their indicated

presentation time (see page 330, col. 1 and paragraph 1), the method comprising the

steps of:

- "extracting from said control information of the second substream first, second

    and third control data wherein the first control data are suitable for defining buffer

    size to be allocated *(see "The media stream properties are containers of decoder*

    control parameters. The parameters indicate compression algorithm, bit rates,

    buffer sizes..." at page 326, col. 2 and paragraph 3, since, the media stream is

    packetized by encapsulating sequential data bytes from the elementary stream

    and the control parameters of the media stream allocates the buffer sizes) the

    second control data are suitable for defining one or more second multimedia data

    packets to be buffered *(see "Streams are separated by a demultiplexer into*

    video, audio, scene-description, and control data. They are stored in buffers and

    decoded..." at, page 328, col. 2 and paragraphs 3, 4 and also regarding

    "multimedia data packets to be buffered..." *see page 326, col. 2 and paragraph*

    3) and the third control data are suitable for defining a mode for buffering the

    second multimedia data packets" *(see Fig. 3 and "The count specifies the*

number of subsequent components, of which data structure is determined by the

mode field. Currently, four modes are considered: replace, append, insert, and

remove..." at page 327, col. 2 and paragraphs 2 and 3, thus, the control data

are being used appropriately for defining the different mode for buffering

multimedia data packets).

- "allocating, in a buffer, buffer size according to the first control data (Length)"

  (see "The media stream properties are containers of decoder control parameters.

  The parameters indicate compression algorithm, bit rates, buffer sizes..." at page

  326, col. 2 and paragraph 3, since, the control parameters of the media stream

  allocates the buffer sizes);

- "storing the first decoded multimedia data packets in the buffer" *(see at Fig. 4*

  and "Streams are separated by a demultiplexer into video, audio, scene-

  description, and control data. They are stored in buffers and decoded..." at, page

  328, col. 2, paragraph 3, thus, the decoded multimedia data packets are stored

  in the buffer) ; and

- "storing one or more multimedia data packets according to the second control

  data in the buffer, wherein depending on the third control data either the second

  multimedia data packets are appended to the first decoded multimedia data

  packets in the buffer, or replace some or all of the first decoded multimedia data

packets in the buffer" *(see at Fig. 3 (a), (b) and 4 and "The count specifies the number of subsequent components, of which data structure is determined by the mode field. Currently, four modes are considered: replace, append, insert, and remove..." at page 327, col. 2 and paragraphs 2 and 3, and "Replace sets new values, and append adds values to previous ones..." at page 328, col. 1, paragraph 1 and "Streams are separated by a demultiplexer into video, audio, scene-description, and control data. They are stored in buffers and decoded..." at, page 328, col. 2, paragraph 3, thus, the corresponding decoded multimedia data packets are being efficiently appended, replaced, inserted, removed and stored in a buffer).*

As to claim 2, Jiro teaches, "Method according to claim 1, wherein the third control data defines one of a plurality of operation modes, wherein in a first mode buffering of multimedia data packets is performed when the value of the first control data changes, and in a second and third mode the second control data are valid for specifying the multimedia data packets to be buffered, wherein in the second mode the multimedia data packets replace the buffer contents and in the third mode the multimedia data packets are appended to the buffer contents" *(see at Fig. 3 (a),(b) and page 327, col. 2 and paragraphs 2 and 3, and page 328, col. 1, paragraph 1 and page 328, col. 2, paragraph 3, thus, the corresponding decoded multimedia data packets are being efficiently appended, replaced, inserted, removed and stored in a buffer).*

As to claim 3, Jiro teaches, "Method according to claim 2, wherein the third mode has two variations, wherein in the first variation the buffering of multimedia data packets stops when the buffer is full, and in the second variation previously buffered data may be overwritten when the buffer is full" *(see at Fig. 3 (a),(b) and page 327, col. 2 and paragraphs 2 and 3, and page 328, col. 1, paragraphs 1and 2, since, in the replacement mode buffered data is being overwritten (replaced) when the buffer is full).*

As to claim 4, Jiro teaches, "Method according to claim 1, wherein the method is utilized in an instance of a processing node and wherein the first control data defines the allocated buffer size at node creation time" (see at Figs. 2 (a) and 4 and page 328, col. 2 and paragraphs 3 and 5, Streams are separated by a demultiplexer into video, audio, scene-description, and control data. They are stored in buffers and decoded…" and "Buffers store compressed data. Their recommended sizes should be specified through the media stream properties in order to avoid buffer overflow and underflow. Memories store decoding results. Their sizes may be implicitly determined by picture sizes or audio frame periods that are contained in the stream properties or elementary streams themselves, as the data frame includes control data. Also see "…The media stream properties are containers of decoder control parameters. The parameters indicate compression algorithm, bit rates, buffer sizes…" at page 326, col. 2 and paragraphs 2 and 3).

As to claim 5, Jiro teaches, "Method according to claim 1, wherein labels are attached to the buffered first and other multimedia data packets, and the packets may be accessed through their respective label" *(see Figs. 3(b) and 6 and "compose an*

independent elementary stream, be attached to an access unit that is a piece of an elementary stream (e.g., time stamps for a video frame)" at page 326, col. 1 and Para. 4 and col. 2, Para. 1 and "Fig. 3(b) shows the corresponding syntax for scene update to which time stamps may be attached when necessary" at page 327, col. 2 and Para. , and Page, 330, col. 1, Para. 1, thus, the "time stamp" is attached as a label to the buffered first and other multimedia data packets and accessed respectively).

As to claim 6, Jiro teaches, "Method according to the claim 5, wherein a label attached to the buffered data packets contains an index relative to the latest received data packet" (see *at page 326, col. 1, Para. 4 and col. 2, Para. 1 and* 2, thus, the label attached to the buffered data packets includes an index (for e.g., lists of time stamps).

As to claim 7, Jiro teaches, "Method according to claim 1, wherein the first substream contains audio data and the second substream contains a description of the presentation" (see Fig. 1 (c) and "A scene-description format is attached to video/audio streams..." at *page 326, col. 1, Para. 2).*

As to claim 8, Jiro teaches, "Apparatus for decoding a data stream, the data stream containing a first and a second substream, the first substream containing first and second multimedia data packets and the second substream (see page 326, col. 2 and paragraph 3) containing control information, wherein the multimedia data packets contain an indication of the time when to be presented and are decoded prior to their indicated presentation time (see page 330, col. 1 and paragraph 1), and wherein the first and second multimedia data packets are buffered, comprising buffering means for said buffering of the first and the second multimedia data packets" *(see "Streams are*

separated by a demultiplexer into video, audio, scene-description, and control data.

They are stored in buffers and decoded..." at, page 328, col. 2 and paragraphs 3, 4 and

also regarding "multimedia data packets to be buffered..." see page 326, col. 2 and

paragraph 3);

- "means for extracting from said control information of the second substream first,

  second and third control data, wherein the first control data are suitable for

  defining buffer size to be allocated, the second control data are suitable for

  defining one or more second multimedia data packets to be buffered, and the

  third control data are suitable for defining a mode for buffering the second a

  multimedia data packets" *(see "The media stream properties are containers of*

  decoder control parameters. The parameters indicate compression algorithm, bit

  rates, buffer sizes..." at page 326, col. 2 and paragraph 3, since, the media

  stream is packetized by encapsulating sequential data and the control

  parameters of the media stream allocates the buffer sizes) the second control

  data are suitable for defining one or more second multimedia data packets to be

  buffered *(see "Streams are separated by a demultiplexer into video, audio,*

  scene-description, and control data. They are stored in buffers and decoded..."

  at, page 328, col. 2 and paragraphs 3, 4 and also regarding "multimedia data

  packets to be buffered..." see page 326, col. 2 and paragraph 3) and the third

  control data are suitable for defining a mode for buffering the second multimedia

  data packets" *(see Fig. 3 and "The count specifies the number of subsequent*

components, of which data structure is determined by the mode field. Currently, four modes are considered: replace, append, insert, and remove..." at page 327, col. 2 and paragraphs 2 and 3, thus, the control data are being used appropriately for defining the different mode for buffering multimedia data packets);

- "means for allocating, in the buffer, buffer size according to the first control data" (see "The media stream properties are containers of decoder control parameters. The parameters indicate compression algorithm, bit rates, buffer sizes..." at page 326, col. 2 and paragraph 3, since, the control parameters of the media stream allocates the buffer sizes);

- "means for storing the first decoded multimedia data packets in the buffer" (see "Streams are separated by a demultiplexer into video, audio, scene-description, and control data. They are stored in buffers and decoded..." at, page 328, col. 2 and paragraphs 3, 4 and also regarding "multimedia data packets to be buffered..." see page 326, col. 2 and paragraph 3); and

- "means for storing one or more multimedia data packets according to the second control data in the buffer, wherein depending on the third control data either the second multimedia data packets are appended to the first decoded multimedia data packets in the buffer, or replace some or all of the first decoded multimedia

data packets in the buffer" *(see Fig. 3 and "The media stream properties are*

containers of decoder control parameters. The parameters indicate compression

algorithm, bit rates, buffer sizes..." at page 326, col. 2 and paragraph 3, and Fig.

3 and "The count specifies the number of subsequent components, of which data

structure is determined by the mode field. Currently, four modes are considered:

replace, append, insert, and remove..." at page 327, col. 2 and paragraphs 2 and

3, thus, the control data are being used appropriately for defining the different

mode for buffering multimedia data packets and depending on the control data

the multimedia data packets are appended respectively*)*.

As to claim 9, Jiro teaches, "Apparatus according to claim 8, further comprising

means for attaching labels to the buffered multimedia data packets, and means for

accessing, retrieving or deleting the packets through their respective label" *(see Figs.*

3(b) and 6 and "compose anindependent elementary stream, be attached to an access

unit that is a piece of an elementary stream (e.g., time stamps for a video frame)" at

page 326, col. 1 and Para. 4 and col. 2, Para. 1 and "Fig. 3(b) shows the corresponding

syntax for scene update to which time stamps may be attached when necessary" at

page 327, col. 2 and Para. , and Page, 330, col. 1, Para. 1, thus, the "time stamp" is

attached as a label to the buffered first and other multimedia data packets and

accessed respectively).

As to claim 10, Jiro teaches, "Apparatus according to claim 8, wherein the data

stream is an MPEG-4 compliant data stream" (see *"page 328, col. 1, paragraph 4 and*

col. 2, Para. 1, the MPEG-4 compliant data stream is described).

As to claim 11, Jiro teaches, "Method according to claim 1, wherein replacing

the stored first decoded multimedia packets with the second multimedia data packets

further comprises the step of clearing the buffer before storing the second multimedia

data packets" *(see at Fig. 3 (a),(b) and page 327, col. 2 and paragraphs 2 and 3, and*

page 328, col. 1, paragraph 1 and page 328, col. 2, paragraph 3, thus, the

corresponding decoded multimedia data packets are being efficiently appended,

replaced, inserted, removed and stored in a buffer).

As to claim 12, Jiro teaches, "Apparatus according to claim 8, wherein the third

control data defines one of a plurality of operation modes, wherein in a first mode

buffering of multimedia data packets is performed when the value of the first control

data changes, and in a second and third mode the second control data are valid for

specifying the multimedia data packets to be buffered, wherein in the second mode the

multimedia data packets replace the buffer contents and in the third mode the

multimedia data packets are appended to the buffer contents" (*"The count specifies the*

number of subsequent components, of which data structure is determined by the mode

field. Currently, four modes are considered: replace, append, insert, and remove..." at

page 327, col. 2 and paragraphs 2 and 3, thus, the control data are being used

appropriately for defining the different mode for buffering multimedia data packets and

depending on the control data the multimedia data packets are appended respectively*)*.

(10) Arguments and Responses

A.   **Claims 1-12** are rejected under 35 U.S.C. 102 (b) as being anticipated by Jiro

Katto, *et al. "System Architecture for Synthetic/Natural Hybrid Coding and Some*

Experiments", IEEE TRANSACTIONS ON CIRCUITS AND SYSTEMS FOR VIDEO

TECHNOLOGY, VOL. 9, NO. 2, MARCH 1999 (Pages 325 - 335)" *is to be reviewed on*

Appeal.

B.   **Regarding claim 1, 4-7 and 11, appellant stated on page 7, "Jiro Katto**

neither teaches nor suggests that "the second control data are suitable for

defining one or more second multimedia data packets to be buffered" as recited

in claim 1 of the present arrangement."

EXAMINER IS NOT PERSUADED. In response to applicant's argument, EXAMINER

ASSERTS Jiro teaching of "The media stream properties are containers of decoder

control parameters. The parameters indicate compression algorithm, bit rates, buffer

sizes..." at page 326, col. 2 and paragraph 3, since, the media stream is packetized by

encapsulating sequential data bytes from the elementary stream and the control

parameters of the media stream allocates the buffer sizes and also see "Streams are

separated by a demultiplexer into video, audio, scene-description, and control data.

They are stored in buffers and decoded..." at, page 328, col. 2 and paragraphs 2, 3 and

4. Thus, the control data are being defined and accordingly the multimedia data packets

are buffered.

C.   Appellant stated on page 8, Jiro Katto also neither teaches nor suggests

that "the third control data are suitable for defining a mode for buffering the

second multimedia data packets" and "storing one or more multimedia data

packets according to the second control data in the buffer, wherein depending on

the third control data either the second multimedia data packets are appended to

the first decoded multimedia data packets in the buffer, or replace some or all of

the first decoded multimedia data packets in the buffer" as recited in claim 1."

EXAMINER IS NOT PERSUADED. In response to applicant's argument, EXAMINER

ASSERTS teachings of Jiro, see at Fig. 3 (a), (b) and 4 and "The count specifies the

number of subsequent components, of which data structure is determined by the mode

field. Currently, four modes are considered: replace, append, insert, and remove..." at

page 327, col. 2 and paragraphs 2 and 3, and "Replace sets new values, and append

adds values to previous ones..." at page 328, col. 1, paragraph 1 and "Streams are

separated by a demultiplexer into video, audio, scene-description, and control data.

They are stored in buffers and decoded..." at, page 328, col. 2, paragraph 3, thus, the

corresponding decoded multimedia data packets are being efficiently appended,

replaced, inserted, removed and stored in a buffer.

Therefore, in view of the foregoing, the rejection under 35 U.S.C. 102 (b is maintained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Mohammad N. Rahman/
Examiner, Art Unit 2161
February 21, 2011

Conferees:

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161

/James Trujillo/

Supervisory Patent Examiner, Art Unit 2159